

1 JACK RUSSO (State Bar No. 1746957)  
2 COMPUTERLAW GROUP LLP  
3 401 Florence Street  
Palo Alto, CA 94301  
Telephone: (650) 327-9800  
Facsimile: (650) 618-1863  
E-mail: jrusso@computerlaw.com

5 Attorney for Plaintiff  
FRANCES WEBER

7  
8 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
9

10 FRANCES WEBER, an individual,

Case No.: 13-cv-73437 (ER)

11 Plaintiff,

12  
13 v.  
14  
**DECLARATION OF JACK RUSSO IN  
SUPPORT OF PLAINTIFF FRANCES  
WEBER'S *EX PARTE* APPLICATION FOR  
EXENSION OF DEADLINE TO FILE  
SECOND AMENDED COMPLAINT**

15 ARTICLE ONE PARTNERS HOLDINGS, LLC, a  
Delaware limited liability company; AOP  
16 FOUNDRERS, LLC, a New York limited liability  
company, CHERYL MILONE, an individual, SYW  
PRIVATE INVESTMENT LLC a Delaware limited  
liability company, and ALLEGHANY CAPITAL  
17 CORPORATION, a Delaware corporation,

18 Defendants.

1 I, Jack Russo, declare under penalty of perjury as follows:

2 1. I am an attorney licensed to practice in the State of New York (NY Bar No. 1746957)  
3 and the Southern District of New York (SDNY Bar No. GR7543), and am the managing partner of  
4 Computerlaw Group LLP ([www.computerlaw.com](http://www.computerlaw.com)), counsel for Plaintiff Frances Weber. I make the  
5 statements here of my personal knowledge, except where stated on information and belief, which  
6 statements I believe to be true. I could and would testify competently to these matters if called to do  
7 so, and my testimony would be as follows:

8 2. My firm is located principally on the West Coast in Palo Alto, California, and in the  
9 past in this matter, my firm has worked with a local New York City courier, Lawson Legal Services, to  
10 make the manual filings required for pleadings. On Wednesday, February 12, 2014, my firm contacted  
11 the courier to arrange the Friday filing of Plaintiff's Second Amended Complaint. Attached as **Exhibit**  
12 **1** is a true and correct copy of the Second Amended Complaint. The courier confirmed acceptance of  
13 the assignment. **Exhibit 2** is a true and correct copy of an email exchange between Joyce Chang, at my  
14 firm, and the courier.

15 3. On Thursday, February 13, 2014, however, concerned over the weather reports from the  
16 East Coast, my firm wrote to Robert Lawson at Lawson Legal Services to ask when the PDF of the  
17 filing needed to be emailed to the courier, and to confirm whether the filings could be made as they  
18 had in the past. Attached as **Exhibit 3** is a true and correct copy of the email, sent at 10:21 AM PST on  
19 February 13, 2014.

20 4. By telephone in response, Mr. Lawson informed my firm that he and other couriers in  
21 the city were closed due to the weather conditions, and that the impassable streets were preventing  
22 them from making deliveries on Thursday, February 13, 2014. He was not sanguine about the streets  
23 being passable by Friday, February 14, 2014.

24 5. In the evening of Thursday, February 13, 2014, my firm called Mr. Lawson to find out  
25 if his office would be able to file the Second Amended Complaint with the Court on Friday, February  
26 14, 2014. Mr. Lawson reiterated that it was unlikely he would be able to make any deliveries on that  
27 day at all.

6. My firm served counsel for Defendants by email on Thursday, February 13, 2014 at 6:44 p.m. Attached as **Exhibit 4** is a true and correct copy of this email. My firm also sent the Second Amended Complaint by Federal Express to the Clerk of the Court, as well as to Judge Ramos' chambers. **Exhibit 5** is a true and correct copy of the Certificate of Service regarding the deliveries to Defendants' counsel and to the Clerk of the Court, as well as to Judge Ramos' chambers.

6       7.     However, concerned over whether Federal Express deliveries were being delayed, my  
7 office emailed the Court's clerk requesting special permission to email a PDF of the pleading and  
8 exhibits (copying Defendants' counsel), so that the chambers' copies would be received by February  
9 14, 2014 even if the Federal Express delivery did not timely arrive. Attached as **Exhibit 6** is a true and  
10 correct copy of this email to Mr. Gomez.

I declare under penalty of perjury that the foregoing are true and correct of my personal knowledge and that this Declaration was entered into on this 14th day of February 2014, in Palo Alto, California.

/s/ *Jack Russo*  
\_\_\_\_\_  
Jack Russo